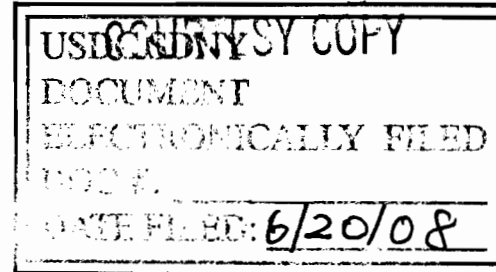


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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PA PAH PRODUCTIONS, INC. and :
ELGIN BAYLOR LUMPKIN p/k/a GINUWINE, :

Plaintiffs,

v.

KING MUSIC GROUP, INC., KING MUISC :
GROUP, LLC, M&A HOLDINGS, LLC, :
MICHAEL BOURNÉ and DOES 1-10 inclusive, :

Defendants.

08 CV 0391 (AKH)
ECF CASE

NOTICE OF MOTION



PLEASE TAKE NOTICE that upon this Notice of Motion, dated June 11, 2008, the Declaration of Jonathan D. Davis, dated June 11, 2008, with exhibits, and the accompanying supporting memorandum of law, dated June 11, 2008, and upon all prior proceedings heretofore had herein, Defendants-Counterclaimants King Music Group, LLC, formerly known as M&A Holdings, LLC (incorrectly sued separately as "M&A Holdings, LLC" and "King Music Group, Inc.") and Michael Bourné, by their attorneys, Jonathan D. Davis, P.C., will move this Court, in accordance with Rule 6.1 of the Local Civil Rules of the Southern and Eastern Districts, before the Honorable Alvin K. Hellerstein, at the United States District Courthouse, Courtroom 14D, 500 Pearl Street, New York, New York 10007, for an order, pursuant to Rules 12(c), Fed. R. Civ. P., dismissing the complaint, dated January 15, 2008, for judgment on the pleading as to Counts I through IV for failure to plead the satisfaction of a condition precedent and, alternatively, as to Counts II and III for restating a breach of contract claim as one for

*motion denied
there are no
material facts
disputed
a motion
under R. 12(b)
as 12(c)
6-20-08
Alk*